UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,644	12/14/2001	Merih Pasin	US20010246	7924

173 7590 01/14/2004

WHIRLPOOL PATENTS COMPANY - MD 0750
500 RENAISSANCE DRIVE - SUITE 102
ST. JOSEPH, MI 49085

EXAMINER	
PERRIN, JOSEPH L	

ART UNIT	PAPER NUMBER
1746	

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/017,644	PASIN ET AL.	
	Examiner	Art Unit	
	Joseph L. Perrin, Ph.D.	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 8* is/are rejected.

7)☒ Claim(s) *7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification (page 38, paragraph [0078]) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the legal phraseology "means" in line 5 is considered improper. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Re claim 7, the claim is directed to a future intended use, e.g. how the audio indicator operates (audio intensity level), and thus, fails to provide further structural limitation to the claimed apparatus. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,730,006 to Conley.

Re claims 1-2, Conley discloses an appliance including a collabsible/expandable container (garment bag 11), a container opening (front

panel 13 that can be opened and closed), a humidity provider (steaming electrodes 42/43), a heating element 38, an opening 19 at the top of the bag, an air circulation device (fan motor 28 with blades 29) and means to prevent accidental opening of the container, namely regarding claim 2 a visual working indicator (display panel 65' with lights 66') (see entire reference of Conley, specifically, col. 2, lines 51-65; col. 3, line 13, col. 3, line 35 and col. 6, lines 3-10). Although Conley does not expressly disclose the opening 19 and a vent means, the position is taken that opening 19 inherently must act as a vent since the opening provides for "one or more garment hangers" (col. 2, lines 60-61) which in order to provide for variable numbers of hangers would be a non-sealed opening, and thus would allow escaping steam to pass, *i.e.* a vent.

Re claim 3, Conley further discloses a light/lamp placed inside the container which, in order to be viewed from the outside of the container, inherently must pass through the container wall (see, for instance, col. 5, line 66 – col. 6, which discloses the lights "mounted in an upper portion of the bag 11' so as to be clearly visible to a user of the invention" (emphasis added), and Figure 8, which clearly shows the connecting wires of the display panel and the display panel located inside the container/bag).

Re claim 4, Conley further discloses the lights automatically illuminated by an automatic controller (*e.g.* automatic timer 48' (see, for instance, the abstract and col. 6, lines 3-7).

7. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 2410279 to Parlour *et al.* (hereinafter "Parlour").

Re claims 1-2, Parlour discloses, for instance in Figure 1 and the abstract, a garment treating apparatus including a collapsible container ("flexible sack" enclosure) with container opening (closed by door 16a), a heating element and air circulation device ("hot air blower"), at least one vent and/or filter ("vent"), means to prevent accidental opening of the appliance's container ("sliding clasp fastener"), and a visual working indicator (push button switches 18 on console 17 which display "on and off" positions of the steam generator and air blower.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 5-6 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conley in view of US 4,916,439 to Estes *et al.* (hereinafter "Estes").

Recitation of Conley is repeated here from above. Re claim 8, Conley further discloses the appliance utilizing a locking mechanism to secure the appliance in a closed fashion (*i.e.* closing means such as zipper 14, see col. 2, line 56). Although Conley does disclose visual indicators (lights) as means for preventing accidental opening of an appliance container by providing visual display indicating when the treatment cycle is finished (*e.g.* col. 5, lin 66 – col. 5, line 10), Conley does not expressly disclose further means including an LCD display indicator or a sound working indicator.

Estes discloses that it is desirable to know when a laundry treatment cycle is finished (for instance, col. 1, lines 21-25), and that it is known to provide

multiple indicators including an LCD display, an audible indicator and "other types of visual indication" (for instance, col. 3, lines 16-18).

Therefore, the position is taken that a person of ordinary skill in the art at the time the invention was made would have been motivated to modify the laundry appliance disclosed by Conley, with the additional audible and visual indicators disclosed by Estes, in order to enhance indication of the operation of the appliance and notify user of the completion of the cycle to prevent accidental opening of the container during an operational cycle.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 5,528,912 to Weber, which discloses a collapsible steamer bag with steamer having indicator light located inside the bag.

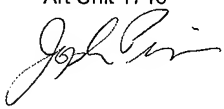
US 3,601,292 to Bliss, which discloses a garment steaming apparatus with collapsible bag, fan and steam assembly, and vents.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:30-5:00, except alternate Fridays.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571)272-1302. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Joseph L. Perrin, Ph.D.
Examiner
Art Unit 1746



jlp